

EDUCATION LESSON PLAN: The law in school

Learning objectives

- To help students understand some of the ways in which the law is linked to education.
- To encourage students to consider the extent to which the law should be used to ensure regular attendance at school.

Learning outcomes

All students should know that parents have a legal duty to ensure that their child regularly attends school or is otherwise suitably educated.

Most students should know of a number of the other legal rights and duties given to students, parents and schools.

Some students will be able to develop a number of arguments either in favour or against changes in the law in relation to compulsory school attendance.

Resources

- **YCP** – pages 25–34
- **Starter** (p.3) – Quiz
- **Main** (p.5) – Parents prosecuted over truant children
- **Plenary** (p.5) – No excuse

Curriculum references

England: Citizenship: **KS3**, the political, legal and human rights and responsibilities of citizens; the roles of law and the justice system; **KS4**, political, legal and human rights and freedoms in a range of contexts from local to global; the roles and operation of civil and criminal law and the justice system; **Post 16**, demonstrate knowledge and understanding about citizenship issues; show an understanding of key citizenship concepts.

Wales: PSE Framework, 7- to 19-year-olds: **KS3**, responsibilities as young citizens in Wales.

Activities

Starter

- This first part of the lesson is designed to encourage students to think about the different ways in which the law is linked to education.
- With students in pairs or small groups, ask them to list ways in which they think education or school is linked to the law. As a stimulus, you may like to ask them to look at the pictures on

the first page of the 'Education' chapter in the *YCP* (page 25), or provide groups with four to six images downloaded from the internet. (Typing in 'schools' to the image section of a search engine will bring up a good range of suitable pictures.)

Go round the class, asking for one or two suggestions from each group. Ideas are likely to include:

- the legal requirement for children above a certain age to attend school – although, strictly speaking, *school* attendance is not compulsory; rather, the law requires children to have 'an efficient full-time education'
- the duty of schools to teach certain subjects (the National Curriculum)
- the duty of schools to protect and safeguard students in their care
- the duty of schools not to unlawfully discriminate, for example on grounds of sex or race
- the right of a school to impose rules of conduct and require students to wear a school uniform
- the right and duty of a school to take on certain parental responsibilities for students whilst they are in the care of the school (*in loco parentis*).

- Some, but probably not all, of the ideas suggested by students will be touched upon in the 'Education' chapter in the *YCP*.

You may like to use these suggestions as the basis for three or four questions about education and the law that students would like to have answered by the end of the lesson. For example, *what do parents have to do to educate their children at home? What powers do teachers have in law to confiscate items from students? What does the law say about school uniform? What can parents do if their child is being bullied at school?*

Finally, if time is available you might also like to use the interactive whiteboard quiz for the 'Education' section of the *YCP*.

An amended version of this quiz, with answers, is supplied on pages 3–4 of these notes.

Main

- This next section looks at the law surrounding attendance at school, and asks to what degree it is appropriate to punish parents for the failure of their child to attend school.

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- Take students through the section on *Truancy*, (page 28 of the *YCP*) which outlines the duty of parents to ensure that their child attends school regularly or is suitably educated elsewhere.

Now give students a copy of page 5 of these notes, **Parents prosecuted over truant children**. It is adapted from a local newspaper and reports on the appearance in the local magistrates' court of parents charged with failing to ensure that their children attended school.

Ask students to go through each case and to decide, on the basis of the information they have been given, whether the parents have committed an offence. If students believe that they have, ask them to decide what kind of punishment would be most appropriate. The general tariff for offenders is given towards the end of the section on Truancy – i.e. a parenting order, a fine of up to £2,500 or imprisonment for up to three months.

The cases raise a number of questions:

- What sanctions should parents face if their children do not regularly attend school?
- Should parents be fined or sent to prison for an offence of this kind?
- What responsibility should be borne by the child and the school?
- Is it reasonable for a parent to say that they cannot make or force their child to attend school?

In the first case, the parents were fined £200 and the father was required to carry out unpaid community service. Both parents were also warned that they will face jail if their son plays truant again.

Parents were also fined in the second and third cases.

Plenary

- Now give students the second case in which a woman is fined for taking her children away on a short break during the school term.

Students will, no doubt, be aware that most holiday prices are significantly higher during school holidays. In answer to an article in the *Guardian* on truancy, one parent wrote 'Now we have a five year old, we have to pay more than double for anything associated with

holidays – no matter where we want to go. Our holiday in August of last year was the most expensive we have ever had for what we got. Car hire alone was four times the normal rate.'

In the same article, the Schools' Minister said 'Reducing truancy rates is critical to our objective of closing the attainment gap between those from poorer and wealthier backgrounds.'

Currently, family holidays are the second most commonly reported reason for absence, accounting for around half the days that are missed.

Government guidance states that parents should not normally take their child on holiday in term time, and that schools will consider holidays in term time only when the application is made in advance and there are special reasons for needing to take the holiday.

Conclude this section with a number of questions for students:

- Should Helen have been fined for failing to ask the school for permission to take her children away for four days' holiday?
- To what extent do you agree with the following views?
'We should be able to take our children away whenever we want,'
'Parents should be left to decide what is in their children's best interests.'

EDUCATION LESSON PLAN: The law in school

Starter 1

Quiz

Questions	Choose the correct answer
1. Who has the main responsibility in law for making sure that a child is properly educated?	a) the child b) the parents c) the local authority in which they live
2. What is the minimum age at which a pupil is allowed to see their school records?	a) 16 b) 18 c) there is no age limit
3. A 16-year-old student in Year 11 decides that she no longer wishes to attend religious assemblies in school because she does not believe in God. What does she need to do?	a) obtain her parents' permission b) obtain permission from a senior member of staff c) just inform her form tutor of her decision
4. It is against the law for a teacher to restrain or physically control a pupil.	a) true b) false c) it depends on whether the pupil's parents have given permission for the teacher to do so
5. When pupils are in their care, teachers take on some of the legal responsibilities of parents. What is this known as, in law?	a) the Parenting Act b) parental responsibility c) in loco parentis
6. When can a pupil legally leave school?	a) on the last Friday in June if he/she will be 15 by the end of the summer holidays b) on the last Friday in June if he/she will be 16 by the end of the summer holidays c) on the last Friday in June if he/she will be 17 by the end of the summer holidays

EDUCATION LESSON PLAN: The law in school

Starter 2

Answers to quiz

Questions	Answers
1. Who has the main responsibility in law for making sure that a child is properly educated?	<p>b) the parents</p> <p>It is normally the parents who must make sure that their children are educated. Sometimes other people take on this responsibility – for example, if the child is adopted or taken into care.</p>
2. What is the minimum age at which a pupil is allowed to see their school records?	<p>c) there is no age limit</p> <p>Under <i>the Data Protection Act 1998</i>, pupils of any age have the right to see their school records, as long as the headteacher believes that the pupil understands what she or he is asking for.</p>
3. A 16-year-old student in Year 11 decides that she no longer wishes to attend religious assemblies in school because she does not believe in God. What does she need to do?	<p>a) obtain her parents' permission</p> <p>The law states that all pupils up to compulsory school-leaving age must receive religious education, unless they have been withdrawn by their parents.</p>
4. It is against the law for a teacher to restrain or physically control a pupil.	<p>b) false</p> <p>Although corporal punishment is banned in schools, a teacher may use reasonable force to prevent a student from injuring themselves or someone else or behaving in a way that threatens the discipline of the school. In April 2011, the Government amended its guidance to schools, stating that teachers may use reasonable force to remove a disruptive pupil or to prevent a child from leaving the classroom or to intervene when pupils are being aggressive.</p>
5. When pupils are in their care, teachers take on some of the legal responsibilities of parents. What is this known as, in law?	<p>c) in loco parentis</p> <p>Teachers are in loco parentis, a Latin phrase meaning in place of the parents</p>
6. When can a pupil legally leave school?	<p>b) on the last Friday in June if he/she will be 16 by the end of the summer holidays</p> <p>In England, until the pupil reaches 18, he/she must do one of the following: stay in full-time education, e.g. go to college; start an apprenticeship or traineeship; spend 20 hours or more a week working or volunteering, while in part-time education or training.</p>

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Main

Parents prosecuted over truant children

Four parents appeared in court this week charged with failing to ensure that their children attended school.

- A mother and father of a 13-year-old boy, who had been in school for only six days during the term said that their son was scared of going to school after being bullied by fellow pupils. Twelve months ago they were fined £250 after the boy had attended school for only six days in the entire year.
- The mother of a 15-year-old boy said that she had failed to get her son to attend school because he was a 'strapping lad of 6ft.' She went on, 'If he doesn't want to go to school, he doesn't go. I can rant and rave as much as I like, but it doesn't make any difference.'
- The father of a 15-year-old girl admitted not making sure that his daughter attended school, but said he worked away a lot and could not force her if she decided not to go.

Plenary

No excuse

Helen, aged 38, wanted to take her three children away on a four-day break to the seaside. 'I'd not been well,' she said, 'So I thought that a short break would do us all good.'

On their return from holiday, Helen was shocked to receive a fixed-penalty of £50 for failing to ensure her children's attendance at school. She decided to ignore it. Her failure to pay the charge meant that the fine was automatically increased to £100.

Helen was then taken to court by the local authority, and her fine further increased to £400, which she paid.

A spokesman for the council said, 'She did not ask permission to take her children out of school, and she ignored the fixed penalty fine.'

The headteacher of the school attended by Helen's children added, 'All she needed to have done was to let us know when the children would be out of school.'